



**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1971**



**ENROLLED**

**SENATE BILL NO. 351**

(By Mr. Brotherton And )  
Mr. Carrigan



PASSED March 13, ..... 1971

In Effect Ninety days from Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 4-2-71

158  
351

**ENROLLED**

**Senate Bill No. 351**

(By MR. BROTHERTON and MR. CARRIGAN)

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[Passed March 13, 1971; in effect ninety days from passage.]

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AN ACT to amend article two, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen, relating to grand juries; authorizing a grand jury to sit for as long as one year and in addition to any other grand jury and providing that all of the provisions of said article two shall apply to a grand jury authorized to sit for as long as one year with exceptions with respect to the end of the term of court during which such grand jury was drawn and summoned, the appointment of replacement grand jurors beyond the end of the term and compensation for the members of any such grand jury.

*Be it enacted by the Legislature of West Virginia:*

That article two, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen, to read as follows:

**ARTICLE 2. GRAND JURIES.**

**§52-2-14. Grand jury authorized to sit for as long as one year  
and in addition to any other grand jury; provisions  
of article applicable with certain exceptions.**

1 Whenever it appears to the judge of any court of  
2 record having criminal jurisdiction that there may be  
3 possible offenses against the criminal laws of this state  
4 which because of their complexity and involvement may  
5 require a grand jury to sit for an extended period of  
6 time, he may, pursuant to the provisions of this sec-  
7 tion, order a grand jury to be drawn and to attend any  
8 special, regular or adjourned term of such court in ad-  
9 dition to any other grand jury attending any such term  
10 of court and all of the provisions of this article shall  
11 apply, except as follows:

12 (1) Such grand jury shall sit for one year unless

13 an order for its discharge be earlier entered upon a  
14 determination by such grand jury, by majority vote,  
15 that its business has been completed, and such grand  
16 jury shall have the power to make presentments or find  
17 indictments at any time while it is sitting, notwith-  
18 standing the end of the term of court during which it  
19 was drawn and summoned;

20 (2) The term limitation specified in the last sentence  
21 of section ten of this article shall not apply to a grand  
22 jury attending pursuant to the provisions of this section  
23 fourteen; and

24 (3) Notwithstanding the first two sentences of sec-  
25 tion thirteen of this article, every person who shall  
26 serve upon a grand jury attending pursuant to the pro-  
27 visions of this section fourteen shall be entitled to re-  
28 ceive for such services not less than eight dollars nor  
29 more than twenty dollars, to be fixed by the court, for  
30 each day he may so serve, for a total period not in ex-  
31 cess of one year, and in addition thereto the same mile-  
32 age as allowed to witnesses, to be paid out of the county  
33 treasury.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Russell D. Brall*  
Chairman Senate Committee

*Phyllis J. Rutledge*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*E. Hans McKeown*  
President of the Senate

*Lewis N. McMenus*  
Speaker House of Delegates

The within *approved* this the *1<sup>st</sup>*  
day of *April*, 1971.

*Arch A. Starnes, Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/19/71

Time 2:33 p.m.

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA